

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL A. RAMIREZ,

Plaintiff,

v.

Civ. No. 20-255 KRS/JHR

CITY OF ALBUQUERQUE,

Defendant.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte* and upon review of the record. A Scheduling Order setting case management deadlines was entered in this case on May 26, 2020, and a Trial Scheduling Order was entered July 8, 2020, setting a trial to start June 14, 2021. (Docs. 14, 21). On July 27, 2020, Plaintiff's counsel moved to withdraw from the case stating Plaintiff had ceased contact with his counsel. (Doc. 22). The motion was granted on August 19, 2020, and Plaintiff's last known addresses were added to the docket. (Doc. 23). On September 14, 2020, Defendant filed a Motion to Dismiss, (Doc. 26), to which no response has been filed. In addition, the assigned Magistrate Judge held a status conference on November 10, 2020, at which Plaintiff failed to appear. (Doc. 30). Most recently, on February 5, 2021, Defendant filed a Motion to Vacate Case Management Deadlines and Trial Scheduling Order, (Doc. 31), noting Plaintiff has not participated in this case since his counsel withdrew and has not responded to Defendant's counsel's attempts to contact him at his last known addresses.

The Court may impose sanctions for Plaintiff's failure to prosecute and failure to comply with Court orders based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744

F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005). Additionally, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute.

IT IS THEREFORE ORDERED that **no later than March 1, 2021**, Plaintiff shall respond in writing to this Order and show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute his case. Failure to respond to this Order may result in this case being dismissed without prejudice and without further notice.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send a copy of this Order to both of Plaintiff's addresses of record on the Court's docket.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent